

REMARKS

The claims stand rejected under §112. The §112 issues will be addressed as each claim is discussed below.

Independent claim 1 stands rejected under §102 as anticipated by King. King discloses a ladder leveler system where a static portion is bolted to a ladder rail and an adjustable leveler slides within a channel within the static portion. There are only two major components, the static portion and the leveler leg that adjustably slides within the static portion.

The disclosure of the present invention teaches an additional component – an attachment base that is attached between the static portion of a leveler and the ladder rail. The attachment base can be bolted to the ladder rail and it includes structures which allow a quick connection and release of the static portion of the leveler to the attachment base.

Claim 1 has been amended to specify that the attachment base is something separate from the static portion of a ladder leveler and the two can be attached to each other in a non adjustable and hand releasable manner. With these amendments, claim 1 is not anticipated by King. Further, claim 1 has been amended to clarify that only one leveler attachment base is required, although the claim would also read on a kit containing two attachment bases.

Claim 2 has been amended to specify that there is at least one locking pin. In the preferred embodiment shown in the figures, there are three locking pins. Claim 2 is intentionally ambiguous as to where the locking pin is inserted because, as stated in the specification, the pin and the hole into which it fits could each be on either of the two parts that are secured together with the pin. This is clarified by claim differentiation with the addition of new claims 40 and 41 each of which depends from claim 2. Claim 40 specifies that the pin is on one structure and the hole into which it fits on the other structure. Claim 41 specifies the inverse. In the listing of claims, these claims appear out of numerical order and instead appear in customary subject matter order.

Claim 3 has been amended to specify that the ladder has two rails and, since each rail has a leveler attachment structure on an outer surface, there are two leveler attachment structures. Claim 3 has been further amended to specify that the

attachment structures can each releasably engage in a non-adjustable position a static portion of a hand releasable ladder leveler. With this amendment, claim 3 is not anticipated by King.

With respect to claim 5, the Examiner questions the clarity of defined directions with respect to the leveler. Every ladder leveler is adjustable in two directions of up and down with respect to gravity. When the leveler is coupled to a ladder rail, two additional directions are defined – in toward the side for coupling with a ladder rail and out away from the side for coupling with a ladder rail. These two pairs of directions are perpendicular to each other. When two perpendicular lines intersect, they define a third line that intersects at their intersection and is perpendicular to the first two. In claim 5, these two final directions are defined as left and right. Thus, element (a) of claim 5 defines a leveler and six directions with respect to that leveler: up, down, in, out, left, and right. Element (b) specifies that the leveler includes a mating structure comprising at least two mating surfaces such that an additional structure which is not a part of the leveler, a “leveler attachment structure” is restrained by the mating surfaces against movement with respect to the leveler in five of the six directions; that is, all but up, or all but down, or all but left, or all but right, or all but in, or all but out. Of these six possibilities for how relative movement is restrained, dependent claims 6, 7, and 8 further specify five of these six possibilities.

If we attempt to read claim 5 on the structures taught by King, we start with an assumption that the “leveler” is element 20 of King and the “leveler attachment structure” is the “stabilizing mechanism” of King (element 30 in the text, elements 32 and 34 in Figure 6). However, the stabilizing mechanism of King is restrained by element 20 against movement in only four directions, allowing continued movement in two directions (up and down), unless the locking pin is engaged in which case movement is restrained in all six directions. The structures in King are never restrained against movement in five of six directions, nor are they restrained against such movement until “a catchment surface” retains the structure against “movement in the sixth direction”. Thus, claim 5 is not anticipated by King. Claims 6 – 15 depend from claim 5 and are therefore also allowable.

While claim 5 specifies a ladder leveler having a structure for the specified novel attachment motion, claim 16 specifies a leveler attachment base that has a structure for the novel attachment motion between the base and the leveler. Again, the movement is constrained in five of the six directions and a catchment surface can be actuated or released with respect to movement in a sixth direction. For this reason, claim 16 is not anticipated by King. Claims 17 – 26 depend from claim 16 and are therefore also allowable.

Claim 27 is like claim 16 except that it specifies the leveler attachment structure being built directly into the ladder rail. It is allowable over King for the same reasons as claims 5 and 16. Claims 28 – 39 depend from claim 27 and are therefore also allowable.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP



Jeffrey T. Haley
Registration No. 34,834
155 - 108th Avenue N.E., Suite 350
Bellevue, WA 98004-5973
(425) 455-5575